

Rakym Durham,	:	United States District Court
Plaintiff,	:	Eastern District of Pennsylvania
vs.	:	
Officer Mouzone #3059, et al.,	:	Civil Division – Civil Rights
Defendants.	:	Case No.: 2:20-cv-03944

PLAINTIFF’S MOTION TO SUBSTITUTE PARTY

COMES NOW, Plaintiff, Rakym Durham, via his Counsel, David Wesley Cornish, Esquire, and pursuant to Fed.R.Civ.P. 10(a) and 15, moves to substitute Officer Robinson #204 in place of Officer #204. In support of this motion Plaintiff states as follows:

1. Plaintiff filed an amended complaint on June 28, 2021, alleging Officer #204 was one of the individuals involved in Plaintiff’s injury.
2. Defendant Officer #204 was named as a party, yet was unable to be fully identified and served due to his name being unknown.
3. On August 26, 2021, the Defense provided additional discovery which identified Officer #204 as Officer Robinson #204.
4. Only after being provided this discovery did Plaintiff learn the complete identity for this Defendant.
5. Based on the Federal Rules of Civil Procedure namely 10 and 15, the Plaintiff requests this Court allow the substitution for Officer #204 with Officer Robinson #204.

WHEREFORE, for the reasons previously stated, the Plaintiff requests an order for substitution be entered substituting Officer Robinson #204, as a party Defendant in lieu of the original Defendant Officer #204.

Respectfully Submitted,
CORNERSTONE LEGAL GROUP

By: /s/ D. Wesley Cornish, Esquire
D. Wesley Cornish, Esquire
Pennsylvania Supreme Court # 310865
230 South Broad Street, 17th Floor
Philadelphia, PA 19102
Tel: 212-444-2039
Fax: 212-535-7365
ATTORNEY FOR PLAINTIFF
September 3, 2021

Rakym Durham,	:	United States District Court
Plaintiff,	:	Eastern District of Pennsylvania
vs.	:	
Officer Mouzone #3059, et al.,	:	Civil Division – Civil Rights
Defendants.	:	Case No.: 2:20-cv-03944

CERTIFICATE OF SERVICE

I hereby certify that I am on this day, serving the foregoing Motion upon the persons indicated below via electronic mail/delivery service, which satisfies the requirements of the Pennsylvania Rules of Criminal Procedure to:

Meghan Byrnes, Esquire
City Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19107

VERIFICATION

The facts set forth in the foregoing Motion are true and correct to the best of the undersigned's knowledge, information and belief and are verified subject to the penalties for unsworn falsification to authorities pursuant to 18 Pa. C.S.A. § 4904.

Respectfully Submitted,
CORNERSTONE LEGAL GROUP

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ATTORNEY FOR PLAINTIFF
Date: September 3, 2021